

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TERESSA JANETTE GALLEGOS, Individually and
as Personal Representative of the ESTATE OF
JOSEPH ORAN VAN WINKLE, Deceased; and
MARY ANN VAN WINKLE,

Plaintiffs,

v.

No. CIV 13-1055 JB/KBM

MAUREEN WOOD, M.D.;
MEDICAL DOCTOR ASSOCIATES, LLC;
and the UNITED STATES OF AMERICA,

Defendants.

**AGREED ORDER DISMISSING WITH PREJUDICE
CLAIMS REGARDING DR. QUINTANA AND THE PHARMACISTS THAT
ATTENDED ROUNDS WITH DEFENDANT WOOD**

WHEREAS The United States of America filed a Motion for Partial Summary Judgment Based on the Actions of Christopher Quintana, M.D., dated December 19, 2016 (“Quintana Motion for Summary Judgment”). Doc. 218;

WHEREAS neither Plaintiffs nor the other Defendants filed a response to the Quintana Motion for Summary Judgment;

WHEREAS The United States of America filed a Motion for Partial Summary Judgment On Claims Based on the Actions of The Albuquerque VAMC Pharmacists on December 19, 2016 (“Pharmacists Motion for Summary Judgment”). Doc. 220;

WHEREAS Defendants did not file a response to the Pharmacists Motion for Summary Judgment;

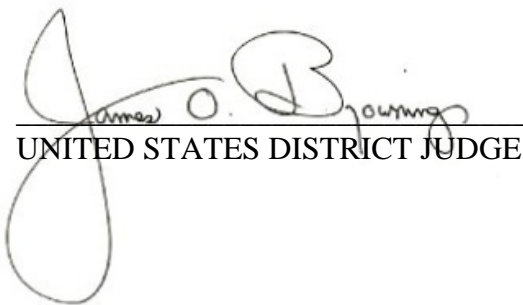
WHEREAS Plaintiffs filed a motion to allow them to file a late Response to the Pharmacists Motion for Summary Judgment, but did not dispute that portion of the Motion that

sought summary judgment based on the actions of the Albuquerque VAMC pharmacists that accompanied Defendant Wood on rounds.

WHEREAS Plaintiffs have settled their claims against the other Defendants, and Plaintiffs agree to entry of this order; and

WHEREAS the other Defendants did not assert affirmative claims against the United States. Docs. 46 and 47;

Plaintiffs and Defendant United States of America agree, and the Court hereby orders, that pursuant to Fed. R. Civ. P. 41(a)(2), that any claims arising from the conduct of Dr. Quintana and any claims arising from the conduct of the pharmacists that accompanied Defendant Wood on rounds referenced in paragraphs 8 through 10 in Plaintiffs' First Amended Complaint for Wrongful Death Damages due to Medical Malpractice, Doc. 41, are dismissed with prejudice. *See* Fed. R. Civ. P. 41(a)(2); *Morris v. City of Hobart*, 39 F.3d 1105, 1109 (10th Cir. 1994) ("Rule 41(a)(2) does not require that the plaintiff's request for dismissal take any specific form; it requires only that the court approve such a request for dismissal").



UNITED STATES DISTRICT JUDGE

Approved as to form:

/s/ Doug Perrin
The Perrin Law Firm
1322 Paseo de Peralta, Lower Level
Santa Fe, New Mexico 87501
(505) 989-8800; Fax: (214) 646-6117
dougperin@perrinlaw.org

Counsel for Plaintiffs Teresa Janette Gallegos, Individually and as Personal Representative of the Estate of Joseph Oran Van Winkle, Deceased; and Mary Ann Van Winkle

- and -

DAMON P. MARTINEZ
United States Attorney

/s/ Christopher F. JEU
RUTH FUESS KEEGAN
CHRISTOPHER F. JEU
Assistant United States Attorneys
P.O. Box 607
Albuquerque, New Mexico 87103
(505) 224-1458; Fax: (505) 346-7205
Christopher.Jeu@usdoj.gov

Counsel for the United States of America